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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,	Magistrate Case No.
Plaintiff,	
v.	COMPLAINT FOR VIOLATION OF:
JOSE GONZALEZ-ALVAREZ,	Title 21, U.S.C., Section 841(a)(1) Possession of a Controlled Substance with Intent to Distribute
Defendant.	

The undersigned complainant, being duly sworn, states:

On or about November 7, 2007, within the Southern District of California, defendant Jose Gonzalez-ALVAREZ did knowingly and intentionally possess with intent to distribute 844.17 kilograms (1857.1 pounds) of marijuana, a schedule II controlled substance; in violation of Title 21, United States Code, Section 841(a)(1).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Luis Calderon
Special Agent
Drug Enforcement Administration

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **November 2007.**

CATHY A. BENCIVENGO
UNITED STATES MAGISTRATE JUDGE

WMC

CONTINUATION OF COMPLAINT:
JOSE Gonzalez-ALVAREZ

STATEMENT OF FACTS

On November 7, 2007, at approximately 12:30 PM, Senior Patrol Agent (SPA) Timothy Tucciarone and Senior Patrol Agent (SPA) Andres Reyes observed two vehicles traveling in tandem westbound on State Route-94 at a high rate of speed near the intersection of Harris Ranch Rd. and SR-94 in Potrero, California. Both vehicles appeared to be heavily laden and were swerving drastically as they passed Agents' Tucciarone and Reyes' location. SPA Reyes immediately began to follow the Ford Pick-Up and relayed his observations to all Agents in the area. As SPA approached the Ford Pick-up, SPA requested vehicle information via KAK-820 and prepared to attempt a vehicle stop. At this point, both suspect vehicles increased speed and began passing other vehicles on double yellow lines at the same time in an attempt to avoid being stopped. During this time, both vehicles stayed very close together until the Ford Pick-up made an abrupt turn southbound onto Emery Road, where SPA Reyes was able to safely fall in behind the vehicle. SPA Reyes continued to follow the vehicle south where it made another abrupt turn westbound into a ravine with no distinct road. The vehicle traveled for approximately 100 yards into the ravine where it became disabled. As SPA Reyes approached the vehicle, he observed the driver, later identified as Jose Luis Gonzalez-ALVAREZ, exit and run towards SR-188 where he was quickly apprehended by SPA Miguel Veliz and SPA Tucciarone. SPA Reyes arrived at the vehicle and searched the passenger area and found several bundles wrapped in clear plastic that is consistent with Marijuana smuggling. SPA Reyes and SPA William Ruiz conducted a complete search of the vehicle and found a total of 155 packages of Marijuana with an approximate weight of 882 pounds.

While SPA Reyes followed the Ford Pick-up driven by Gonzalez-ALVAREZ, SPA Kyle L. Krall received information from CBP Air Ops that the 2nd vehicle, a green GMC Yukon, turned south on SR-188. Moments later SPA Krall observed the GMC Yukon approaching his location and deployed a Controlled Tire Deflation Device. The tires on the GMC Yukon were deflated and the vehicle continued southbound for approximately one mile where it turned westbound onto Tecate Mission Road. Once the vehicle approached the international border, the driver exited the vehicle and absconded into Mexico. SPA Krall secured the abandoned vehicle and observed several large bundles wrapped in brown packing tape, which is consistent with narcotics smuggling. A total of 71 packages were located in this vehicle with an approximately weight of 975.1 pounds.

Both vehicles and the suspected contraband were transported to the Tecate, California Border Patrol Processing Center. At the Processing Center, all the suspected contraband was transferred and secured into two marked Border Patrol vehicles and transported to the El Cajon Border Patrol Station. The driver of the Ford Pick-up, Jose Luis Gonzalez-ALVAREZ, was also transported to the El Cajon Station.

While at the Processing Center Jose Luis Gonzalez-Alvarez was advised of his rights per Miranda in the Spanish language by Border Patrol agents. Gonzalez waived his rights and agreed to be interviewed. Gonzalez stated that he illegally entered the US three days ago and had been residing at a residence near Tecate, CA. Gonzalez could not remember the address/location of the residence. Gonzalez went on to say that on 11-07-2007, he received the Ford pick-up from an unidentified male and was told to drive the vehicle two kilometers north, at which time another unknown subject would take control of the vehicle. Gonzalez stated he had no idea that the vehicle contained marijuana and did not know what substance comprised the numerous brick shaped objects wrapped in cellophane that were in the vehicle he was driving. Gonzalez also stated that he uses methamphetamine and marijuana but said he did not smell the strong of odor of marijuana emanating from inside the vehicle he was driving. Gonzalez said that after receiving the vehicle he drove westbound on Highway 94 until he was detained by Border Patrol agents. Although Gonzalez appeared to be driving in tandem with the other vehicle and was most likely working with the driver of this other vehicle, Gonzalez denied any association with this subject.